IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.2490/07

Dr. Dharm Raj Meena & Ors. **Versus** State & Ors.

DATE OF ORDER :: 15/05/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Ashok Bansal, for petitioners
Mr. R.A. Katta]
Mr. M.C. Taylor] for respondents
Mr. Rajeev Surana]
Mr. Manish Bhandari]

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Instant petition has been filed by members of SC/ST who appeared in Pre-PG Entrance Examination in non-service category and one of their grievances which has been raised in the instant petition is that unfilled vacancies of SC/ST reserved for in-service candidates be made available for non-service SC/ST candidates. The State Government in its order Ann.3 dated 29th April, 2002 has directed the University and proposed an amendment under Ordinance 278 E & G - relevant part whereof is ad infra:

> "सी.ए.एस. पी.जी. [इन सिन्वस] की अनुसूचित जाती एवं जन जाती की सीटें जो भरने के बाद रिक्त रह जाती हैं तो शेष रिक्त रही सीटें सामान्य वर्ग के अनुसूचित जाती एवं जन जाती के प्रत्याशियों से भरी जावेगी न कि सामान्य वर्ग के छात्रों से ।"

Reply has been filed by respondents and it has been very categorically stated in Paras 6 & 7 that what has been proposed by Government in its order Ann.3 dated 29th April, 2002 has been accepted and approved by Syndicate of University

of Rajasthan ad infra:

"That the contents of Para No.6 of the writ petition are not admitted as stated. However it is correct that annexure-3, proposing amendments in Ordinance 278 E and 278 G, was received with annexure-4. The proposed amendment was approved by the Syndicate of the Rajasthan University and the said ordinances were amended accordingly. The proposed amendment reads as follows:

"सी.ए.एस. पी.जी. इन सिव्वस की अनुसूचित जाती एवं जन जाती की सीटें जो भरने के बाद रिक्त रह जाती हैं तो शेष रिक्त रही सीटें सामान्य वर्ग के अनुसूचित जाती एवं जन जाती के प्रत्याशियों से भरी जावेगी न कि सामान्य वर्ग के छात्रों से ।"

The above amendment nowhere stipulates that unfilled seats of reserved category of in service category shall be filled by only be filled in by the reserved category of non service category. Rather it speaks that unfulfilled seats would be filled in by the candidates belonging to S.C. And S.T. in general category however, as a matter of practices after counselling has taken place regarding seats reserved for in service candidates, the unfilled seat reserved for S.C. and S.T. are offered to S.C. And S.T. candidates belonging to non service category when counselling for

seats earmarked for non-service category takes place. Thus the respondent have taken every care to protect the interest of the petitioners and other S.T and S.C. candidates without causing any prejudice to them".

In view of Paras 6 & 7 of reply filed by respondents, this court is of the opinion that the present writ petition does not require any adjudication and accordingly, in above terms, the same stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.